

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAPOLLIANA W. TSOI,  
Plaintiff,

v.

EPISCOPAL COMMUNITY SERVICES  
OF SAN FRANCISCO,  
Defendant.Case No. [14-cv-02333-RS](#)**ORDER DENYING MISCELLANEOUS  
MOTIONS**

Plaintiff has filed a document captioned as a motion disqualify Magistrate Judge James. The body of the document also seeks an order “exempting” plaintiff from participating in a settlement conference. Pursuant to Civil Local Rule 7-1(b), these motions are suitable for disposition without oral argument, and the hearing set for October 29, 2015 is vacated.

The reasons plaintiff advances for “disqualifying” Judge James are the same fanciful and frivolous accusations of conspiratorial wrongdoing by a clerk that were addressed in the order denying plaintiff leave to amend her complaint to add Judge James as a defendant. There is no basis for disqualifying Judge James. Additionally, at this juncture the matter is not pending before Judge James, and there is nothing from which to disqualify her.

Plaintiff further requests to be “exempted” from participating in a settlement conference on grounds she set forth in a prior motion made to, and denied by, Judge James. That motion was based at least in part on the same frivolous grounds of supposed wrongdoing by a clerk. To the extent the motion was based on any other grounds, plaintiff may not simply renew a motion that

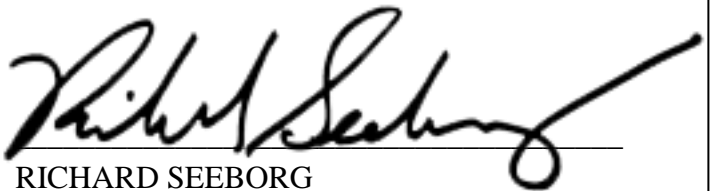
1 was previously denied. Even if plaintiff's new motion were deemed a challenge to the ruling of  
2 the magistrate judge under Civil Local Rule 72-2, she has failed to establish that the ruling was  
3 clearly erroneous or contrary to law.

4 Accordingly, plaintiff's motion to disqualify Judge James and her renewed motion to be  
5 "exempted" from her prior obligation to attend the settlement conference are denied. While no  
6 settlement conference is presently scheduled, plaintiff remains under obligation to show cause  
7 why she failed to comply with prior court orders in connection with the then-scheduled  
8 conference. As previously ordered, on October 1, 2015 at 1:30 p.m. in Courtroom 3, Seventeenth  
9 Floor, of the Court, located at 450 Golden Gate Avenue, plaintiff must appear and show cause  
10 why this action should not be dismissed for her failure to comply with those orders, and any  
11 declaration in opposition to dismissal shall be filed no later than September 24, 2015.

12 Finally, plaintiff has submitted a second motion for leave to proceed *in forma pauperis*. As  
13 her prior application was granted, the present motion is moot and is denied on that basis.

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16 **IT IS SO ORDERED.**

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18 Dated: September 23, 2015

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RICHARD SEEBORG  
United States District Judge